

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMALE WHITE,

Defendant.

Case No. 3:21-cr-036

**MOTION FOR IMMEDIATE STAY  
OF MAGISTRATE JUDGE'S ORDER  
SETTING CONDITIONS OF  
RELEASE**

The United States of America, by Drew H. Wrigley, United States Attorney for the District of North Dakota, and Dawn M. Deitz, Assistant United States Attorney, submits this Motion for an Immediate Stay of the United States Magistrate Judge Curtis Ivy's order setting conditions of release in the above matter and its companion case number 2:21-mj-30093 (E.D. Michigan). A forwarded copy of the Notice of Electronic Filing ("NEF") of the Eastern District of Michigan Clerk of Court's minute entry of the detention hearing and the order of the Magistrate Judge. The United States seeks this stay so it may pursue revocation of the release order pursuant to 18 U.S.C. § 3145(a)(1). The United States requests the Court stay the order for release for a period of 21 days (or other period of time as set by the Court), thereby permitting the United States to file its appeal to the Court of original jurisdiction as required by the fore-mentioned statute, for the Defendant to respond accordingly, and for the Court to issue an order on such motion.

The Defendant and multiple others have been indicted in the District of North Dakota on various drug trafficking charges. (DCD 2) The Defendant is charged in Count One of the Indictment with Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances in connection with an ongoing interstate drug trafficking scheme between

Michigan and North Dakota. (DCD 2) Based upon the drug quantity alleged, that charge carries a minimum mandatory ten years' incarceration.

On or about February 25, 2021, the Defendant was arrested in the Eastern District of Michigan. He appeared before a United States Magistrate Judge in that District. On February 26, 2021, the Magistrate Judge released the Defendant on conditions after a detention hearing. The Assistant United States Attorney from the Eastern District of Michigan requested a stay of the order setting conditions of release to permit the undersigned to appeal to the Court of original jurisdiction and seek revocation of that order.

Title 18, United States Code, Section 3145(a)(1) states:

If a person is ordered released by a magistrate judge, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court – (1) the attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order or amendment of the conditions of release.

The Defendant is charged in the District of North Dakota. Therefore, this Court is the court of original jurisdiction. See United States v. Vega, 438 F.3d 801, 804 (7<sup>th</sup> Cir. 2006) (The government or an arrestee who moves for review of a release or detention order must do so in the court where charges are pending, regardless of where the initial appearance and detention hearing took place.) The motion is to be determined promptly. See 18 U.S.C. § 3145(a).

To enable the United States and the Defendant to present the record of the proceedings before the Magistrate Judge and any other evidence related to the factors to be considered in determining whether a defendant should be released or detained to this Court, a stay of more than 24 hours from the conclusion of the detention hearing is necessary. First, the United States must file its motion for revocation of the Magistrate Judge's order. The

United States intends to do so prior to the deadline set by the Magistrate Judge. Second, the Defendant (who is currently not assigned counsel in this District) must be provided an opportunity to respond.<sup>1</sup> Third, this Court must review the record, any additional evidence submitted,<sup>2</sup> and the arguments of counsel. Finally, the Court must issue a decision on the merits of the motion for revocation of the release order.

The United States respectfully request this Court to immediately stay the order of Magistrate Judge setting conditions of release for the Defendant to allow the government to pursue a motion for revocation of the order setting conditions of release to this Court, and for the Court to consider that motion. The United States further requests the Court order that the Defendant remained detained until the motion is resolved.

Dated: February 26, 2021

DREW H. WRIGLEY  
United States Attorney

By: /s/ Dawn M. Deitz  
DAWN M. DEITZ  
Assistant United States Attorney  
ND Bar ID 06534  
655 First Avenue North, Suite 250  
Fargo, ND 58102-4932  
(701) 297-7400  
[dawn.deitz@usdoj.gov](mailto:dawn.deitz@usdoj.gov)  
Attorney for United States

---

<sup>1</sup> Pursuant to Local Criminal Rule 47.1 of the United States District Court for the District of North Dakota, an adverse party has 14 days after service of a motion / memorandum to file its response.

<sup>2</sup> When reviewing a magistrate judge's order for release or detention, a District Court Judge acts de novo and makes an independent determination of the proper pretrial detention or conditions for release. United States v. Maul, 773 F.2d 1479, 1484 (8<sup>th</sup> Cir. 1985). The Court shall undertake an independent consideration of the record before the magistrate and any additional evidence adduced before it in making its findings. Id.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMALE WHITE,

Defendant.

Case No. 3:21-cr-36

**CERTIFICATE OF SERVICE**

I hereby certify that on February 26, 2021, the following document(s):

MOTION FOR IMMEDIATE STAY OF MAGISTRATE JUDGE'S ORDER SETTING  
CONDITIONS OF RELEASE

were filed electronically with the Clerk of Court through ECF.

Copies of these documents and exhibits will also be emailed, and mailed by first class mail, to the Defendant's counsel of record in the Eastern District of Michigan at the following:

Mr. Todd Shanker  
Federal Community Defender  
613 Abbott  
5th Floor  
Detroit, MI 48226  
[Todd\\_Shanker@fd.org](mailto:Todd_Shanker@fd.org)

Dated: February 26, 2021

/s/ Vicki Thompson

Vicki Thompson  
Office of the United States Attorney